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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,231	12/20/1999	TOSHIHIKO MUNETSUGU	32161	2093

116 7590 09/17/2003  
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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 09/17/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/467,321

Applicant(s)

LEONARDI ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***DETAILED ACTION***

1. This action is responsive to communications: original application filed 12/20/1999; IDS filed 01/28/2000 and 12/26/2000.
2. Claims 1-54 are currently pending in this application. Claims 1 and 27 are independent claims.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Correction is required.
4. The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code for example at page 35, line 16. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
6. Claim 4 is objected to because of the following informalities: "the sore" (claim 4, line 6) should read "the score". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-54 recite the limitations:

- "the context of the media content" (claim 1, line 7)
- "the media content" (claim 1, line 10)
- "the media segments" (claim 1, line 15)
- "the context of the media content" (claim 27, line 16)
- "the media content" (claim 27, line 19)
- "the media segments" (claim 27, lines 23-24)

There are insufficient antecedent basis for these limitations in the claims.

Dependent claims 2-26 and 28-54 are rejected for fully incorporating the deficiencies of their base claims.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over **French et al.** (U.S. 6266,053 – filed 04/1998) in view of **Ozsoyoglu et al.** “Automating the Assembly of Presentation from Multimedia Databases”, (Public Release – 1996).

**As to independent claim 27**, French teaches a data processing method (*the processing of data; col.8, lines 27-38*) comprising input means for inputting context description data described in a hierarchical structure, wherein the hierarchical structure (*data structure is presented as nodes in a graph; col.2, lines 60-67/ hierarchical data structures; col.7, line 65-col.8, line3*) comprises:

- the highest hierarchical layer (*Nodes with no ancestors are known as root node 43; col.8, lines 1-2 & Fig. 2*) in which time-varying media content and the context of the media content are formed into a single element representing media content (*The root node specifies an initial temporal context with a time scale and time interval associated ... media production; col.4, lines 25-32/ the highest level type in the system is Temporal, which relates to the handling of scene time within the hierarchy; col.12, lines 54-57*);

- the lowest hierarchical layer (*nodes without children are called leaf nodes; col.7, line 65- col.8, line 3*) in which an element represents a media segment formed by dividing the media content and is assigned, as an attribute, time information relating to a corresponding media segment and a score (*Elements of a scene ... data representative of the media elements; col.3, lines 58-64/Nodes in the graph 40 are operators 50 on multimedia data, or containers 52 for references to such multimedia stored elsewhere in the system 10; col.8, lines 14-62*);

- other hierarchical layers include elements which are directly or indirectly associated with at least one of the media segments and which represent scenes or a set of scenes (*nodes*

*which have ancestors and children are referred to herein as branch of intermediate nodes; col.7, lines 53-67).*

French, however, does not explicitly teach "selection means for selecting at least one segment from the media content."

Ozsoyoglu teaches selection means for selecting at least one segment from the media content (*choose a set of multimedia segments for presentation by simply pointing and clicking; page 593, the right column, the third paragraph*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

**As to dependent claim 28,** French does not explicitly teach "extraction means for extracting only data corresponding to the segment selected by the selection means, from the media content."

Ozsoyoglu teaches extraction means for extracting only data corresponding to the segment selected by the selection means, from the media content (*page 593, the right column, the third paragraph*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

As to **dependent claim 29**, French does not explicitly teach “playback means for playing back only data corresponding to the segment selected by the selection means, from the media content.”

Ozsoyoglu teaches playback means for playing back only data corresponding to the segment selected by the selection means, from the media content (*page 594, the right column, the second and third paragraphs*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

As to **dependent claim 30**, French teaches the score represents a contextual importance of media content (*col.11, lines 8-37*).

As to **dependent claim 31**, French teaches the score represents the degree of contextual importance of a scene of interest from the viewpoint of a keyword (Figs.12-13).

French, however, does not teach “the selection means selects a scene in which the score is used from at least one viewpoint.”

Ozsoyoglu teaches the selection means selects a scene in which the score is used from at least one viewpoint (*page 593, the right column, the third and fourth paragraphs*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

**As to dependent claim 32**, French teaches the media content corresponds to video data or audio data (*col.3, lines 46-64*).

**As to dependent claim 33**, French teaches the media content corresponds to data comprising video data and audio data, which are mutually synchronized (*col.4, lines 33-63*).

**As to dependent claim 34**, French teaches the context description data describe the configuration of video data or audio data (*Figs.12-13*).

**As to dependent claim 35**, French teaches the context description data describe the configuration of each of video data sets and audio data sets (*Figs.12-13*).

**As to dependent claim 36**, French does not explicitly teach “the selection means selects a scene by reference to context description data pertaining to video data or audio data.”

Ozsoyoglu teaches the selection means selects a scene by reference to context description data pertaining to video data or audio data (*page 593, the right column, the third and fourth paragraphs*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

**As to dependent claim 37**, French does not explicitly teach “the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data or audio selection means for selecting a scene of audio data by reference to context description data of audio data.”



Ozsoyoglu teaches the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data or audio selection means for selecting a scene of audio data by reference to context description data of audio data *(page 593, the right column, the third and fourth paragraphs)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

**As to dependent claim 38**, French does not explicitly teach “the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data, and audio selection means for selecting-a scene of audio data by reference to context description data of audio data.”

Ozsoyoglu teaches the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data, and audio selection means for selecting-a scene of audio data by reference to context description data of audio data *(page 593, the right column, the third and fourth paragraphs)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

**As to dependent claim 39**, French teaches the data to be extracted by the extraction data correspond to video data or audio data *(col.13, lines 4-55)*.

**As to dependent claim 40**, French teaches the data to be extracted by the extraction data correspond to data comprising video data and audio data, which are mutually synchronized (*col.13, lines 4-55*).

**As to dependent claim 41**, French teaches media content comprises a plurality of different media data sets within a single period of time; and the data processing device further comprises: determination means which receives structure description data having a data configuration of the media content described therein and determines which one of the media data sets is to be taken as an object of selection, on the basis of determination conditions to be used for determining data as an object of selection; and the selection means selects data from only the data sets, which have been determined as objects of selection by the determination means, by reference to the structure description data (*col.12, lines 18-57*).

**As to dependent claim 42**, French teaches determination means which receives structure description data having a data configuration of the media content described therein and determines whether only video data, only audio data, or both video data and audio data are taken as an object of selection, on the basis of determination conditions to be used for determining data as an object of selection; and wherein the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data (*col.12, lines 18-63*).

**As to dependent claim 43**, French teaches media content comprises a plurality of different media data sets within a single period of time; the determination means receives structure description data having a data configuration of the media content described therein and determines which one of the video data sets and/or audio data sets is to be taken as an object of

selection; and the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data (*col.14, lines 4-55*).

**As to dependent claim 44**, French teaches representative data pertaining to a corresponding media segment are added, as an attribute, to individual elements of context description data in the lowest hierarchical layer; and the selection means selects the entire data pertaining to the media segment and/or representative data pertaining to a corresponding media segment (*col.14, lines 5-40*).

**As to dependent claim 45**, French teaches the entire data pertaining to the media segment correspond to media data, and the media content comprises a plurality of different media data sets within a single period of time; and the data processing device further comprises determination means which receives structure description data having a data configuration of the media content described therein and determines which one of the media data sets and/or representative data sets is to be taken as an object of selection; and the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data (*col.11, lines 16-43*).

**As to dependent claim 46**, French teaches determination means which receives structure description data having a data configuration of the media content described therein and determines whether only the entire data, pertaining to the media segment, only the representative data pertaining to the media segment, or both the entire data and the representative data pertaining to a corresponding media segment are taken as objects of selection, on the basis of determination conditions to be used for determining data as an object of selection; and wherein

the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data (*col.13, lines 4-55*).

**As to dependent claim 47**, French teaches the determination conditions comprise at least one of the capability of a receiving terminal, the traffic volume of a delivery line, a user request, and a user's taste, or a combination thereof (*col.13, lines 4-55*).

**As to dependent claim 48**, French teaches comprising formation means for forming a stream of media content from the data extracted by the extraction means (*col.13, lines 10-26*).

**As to dependent claim 49**, French teaches comprising delivery means for delivering the stream formed by the formation means over a line (*col.12, lines 5-31*).

**As to dependent claim 50**, French teaches recording means for recording the stream formed by the formation means on a data recording medium (*col.13, lines 4-55*).

**As to dependent claim 51**, French teaches comprising data recording medium management means which re-organizes the media content that has already been stored and/or media content to be newly stored, according to the available disk space of the data recording medium (*col.14, lines 5-52*).

**As to dependent claim 52**, French teaches stored content management means for re-organizing the media content stored in the data recording medium according to the period of storage of the media content (*col.14, lines 5-52*).

**As to dependent claim 53**, French teaches a computer-readable recording medium on which the data processing method is recorded in the form of a program to be performed by a computer(*col.7, lines 14-41*).

As to **dependent claim 54**, French teaches a program for causing a computer to perform the data processing method (*col. 7, lines 14-41*).

**Independent claim 1** is directed to a data processing device for performing the method of independent claim 27, and is similarly rejected under the same rationale.

**Dependent claims 2-26** include the same limitations as in claims 28-52, and are similarly rejected under the same rationale.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moriyama et al.	U.S Patent No. 5,889,746	issue dated: Mar. 30, 1999
Mauldin et al.	U.S Patent No. 5,664,227	issue dated: Sep. 2, 1997
Marcus	U.S Patent No. 6,032,156	issue dated: Feb. 29, 2000
Crinon	U.S Patent No. 6,331,859	issue dated: Dec.18, 2001

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5403 for regular communications and (703) 308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

**Contact Information:**

Any response to this action should be mailed to:

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Or fax to:

AFTER-FINAL faxes must be signed and sent to (703) 746-7238.

OFFICIAL faxes must be signed and sent to (703) 746-7239.

NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

Maikhanh Nguyen  
September 3, 2003



SANJIV SHAH  
PRIMARY EXAMINER